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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,837	12/28/2000	Judith C. Espejo	BS00-157	5211

36192 7590 05/24/2005

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EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,837

Applicant(s)

ESPEJO ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/12/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, 9, and 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson, US Patent Number 6,327,363 (hereinafter Henderson) in view of prior art made of record in the Office Action mailed October 6, 2003, Laybourn et al., US Patent Number 6,480,710 (hereinafter Laybourn).

Regarding claims 1 and 12, Henderson teaches an interactive voice response system (and method) for prepaid wireless services comprising: a peripheral device (fig. 4: ref. 400) in communication with a mobile switching system (col. 7: Lines 37-41), the mobile switching system capable of communicating with at least one wireless device (col. 7: Lines 37-41), and an IVR application (fig. 4: ref. 408) on the peripheral device comprising a menu driven system adapted to receive information from a customer (col. 9: Lines 3-7), an intelligent peripheral communicating with the peripheral device (fig. 4: ref. 402), wherein the intelligent peripheral plays voice messages through a voice path to the mobile switching system (col. 11: lines 8-10; col. 7: Lines 37-41), wherein the peripheral device directs the customer to interact with the IVR application and connects the intelligent peripheral with the mobile switching system when the IVR service for the customer is required (col. 8: Lines 2-7; col. 9: Lines 3-7), and wherein the menu driven

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system responds to the information received from the customer by reciting a rate plan that is the current rate plan and features of the customer, and wherein the rate plan is provided to the customer by the intelligent peripheral through the voice path (col. 15: Lines 5-6, 25-30).

Henderson does not specifically disclose the mobile switching system but does teach that the invention could perform equally well with other network configurations (i.e. wireless systems) (col. 7: Lines 37-41). Therefore, at the time of the invention, it would have been obvious to implement Henderson's interactive voice response system in a wireless environment with a mobile switching system, as it is well known in the art to implement landline services and features in a wireless system.

Henderson also does not specifically teach wherein the wireless device automatically provides a mobile identification number to identify the wireless device. However, Laybourn teaches this limitation.

Laybourn discloses a system and method for managing prepaid wireless service wherein the wireless device automatically provides a mobile identification number to identify the wireless device (col. 5: Lines 3-11).

Henderson and Laybourn are combinable because they are from the same field of endeavor, that is, interactive voice response systems for pre-paid wireless services. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Henderson to include Laybourn. The motivation for this combination would have been to speed up the system by automatically extracting any possible information so that the user does not have to manually enter it.

Regarding claims 2-4 and 13-15, Henderson teaches reciting the customer's account information (col. 15: lines 5-6, 25-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to specifically recite the name of the rate plan, features, and monthly access fees to give the customer more detailed information.

Regarding claims 5, 6, 8, 9, and 16-19 Henderson discloses the peripheral device is an SCP (fig. 4: ref. 400) that communicates using IN TCAP messaging or TCP/IP (col. 10: line 2)

Regarding claims 11 and 20, Henderson discloses the Intelligent Peripheral plays the rate plan in voice messages to the customer through the voice path to the mobile switching system and the at least one wireless device (col. 7: lines 37-41; col. 13: Lines 38-40; col. 15: lines 5-6, 25-30).

Regarding claims 21 and 22, Laybourn teaches providing announcements to the customer using short messaging services [col. 1: lines 66-67; col. 7: lines 3-5].

Response to Arguments

3. Applicant's arguments filed April 12, 2005 have been fully considered but they are not persuasive. Applicants argue that there is no motivation to combine Henderson and Laybourn. However, the Examiner respectfully disagrees. Henderson essentially teaches the claimed invention except for automatically providing a mobile identification number to identify the wireless device. Also, Henderson's IVR system for prepaid services is disclosed in a landline environment, but Henderson teaches that the

invention could perform equally well with other network configuration (i.e. wireless systems, see col. 7: lines 37-41). Laybourn teaches an IVR system for prepaid wireless services. Therefore, the Examiner maintains that this is a reasonable combination. Further, both Henderson and Laybourn teach entering identification information (PIN or MSISDN) if the user is calling from another device. However, Laybourn specifically teaches automatically providing a mobile identification number to identify the wireless device if the prepaid call is originated in the wireless device (see col. 5: lines 3-11).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-

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7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
May 19, 2005


ERIKA A. GARY
PRIMARY EXAMINER